

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 04-cr-10132

United States of America

v.

Rafael Rodriguez

CLERK'S CERTIFICATE

I, Tony Anastas, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 12/30/04.

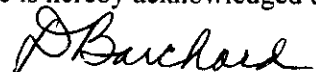
In testimony whereof, I hereunto set my hand and affix the seal of this Court on January 18, 2005.

Tony Anastas, Clerk of Court

By: 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 1/19/05.


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL, INTERP, MAG

**United States District Court
District of Massachusetts (Boston)
CRIMINAL DOCKET FOR CASE #: 1:04-cr-10132-WGY-ALL**

Case title: USA v. Rodriguez

Date Filed: 04/28/2004

Assigned to: Chief Judge
William G. Young
Referred to: Magistrate Judge
Joyce London Alexander

Defendant

Rafael Rodriguez (1)

also known as

Raphael Rodriguez (1)

also known as

Ernesto Morales (1)

represented by **Syrie D. Fried**

Federal Defender's Office

408 Atlantic Ave.

Third Floor

Boston, MA 02210

617-223-8061

Fax: 617-223-8080

Email: syrie_fried@fd.org

LEAD ATTORNEY

ATTORNEY TO BE

NOTICED

*Designation: Public Defender
or Community Defender
Appointment*

Pending Counts

**8:1326 Illegal REENTRY OF
DEPORTED ALIENS**

(1)

Disposition

The defendant is sentenced to
the custody of the BOP for 36
months to be followed by a
term of Supervised Release of
2 years with Special

Conditions. No Fine. Special
Assessment of .

Highest Offense Level
(Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **Dena T. Sacco**
United States Attorney's
Office
1 Courthouse Way
Suite 9200
Boston, MA 02210
617-748-3304
Email: dena.sacco@usdoj.gov

LEAD ATTORNEY
ATTORNEY TO BE
NOTICED

Date Filed	#	Docket Text

04/28/2004	●1	INDICTMENT as to Rafael Rodriguez (1) count(s) 1. (Gawlik, Cathy) (Entered: 04/28/2004)
04/28/2004	●	Arrest Warrant Issued as to Rafael Rodriguez. (Gawlik, Cathy) (Entered: 04/28/2004)
04/28/2004	●	Judge William G. Young : ORDER entered ORDER REFERRING CASE to Magistrate Judge Joyce London Alexander Reason for referral: Arraignment and Bail ONLY as to Rafael Rodriguez (Gawlik, Cathy) (Entered: 04/28/2004)
04/29/2004	●	Arrest of Rafael Rodriguez (Brown, Rex) (Entered: 04/29/2004)
04/29/2004	●	Electronic Clerk's Notes for proceedings held before Judge Marianne B. Bowler :Initial Appearance as to Rafael Rodriguez held on 4/29/2004; Timothy Feeley for the Govt.; Syrie Fried for the deft.; Gabriel Hadad, Spanish Interpreter; Basil Cronin for Pretrial; Deft. informed of charges, rights and right to counsel; Deft. completes financial affidavit and the court orders the appointment of counsel; Defense counsel asks that questions of the court be deferred pending the detention hearing; Govt. moves for detention and continuance; Detention hearing and arraignment before MJ Alexander set for May 4, 2004 at 2:00 PM; Deft. remanded to the custody of the U.S. Marshals. (Tape #digital.) (Saccoccio, Dianalynn) (Entered: 04/29/2004)
04/29/2004	●2	Judge Marianne B. Bowler : ORDER entered ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Rafael Rodriguez Syrie D. Fried for Rafael Rodriguez appointed. (Saccoccio, Dianalynn) (Entered: 04/29/2004)
04/29/2004	●3	CJA 23 Financial Affidavit by Rafael Rodriguez (Brown, Rex) (Entered: 04/30/2004)
05/04/2004	●	Electronic Clerk's Notes By oral Motion of the parties,

		Arraignment continued on 5/4/2004, Detention Hearing as to Rafael Rodriguez continued on 5/4/2004. The parties move to continue the hearing to 5/14/04 and exclude the time. Arraignment set for 5/14/2004 10:15 AM in Courtroom 24 before Magistrate Judge Joyce London Alexander. Detention Hearing set for 5/14/2004 10:15 AM in Courtroom 24 before Magistrate Judge Joyce London Alexander. (Tape #Digital Recording.) (Brown, Rex) (Entered: 05/06/2004)
05/06/2004	●	Judge Joyce London Alexander : ORDER entered ORAL ORDER as to Rafael Rodriguez re Arraignment and Detention Hearing. In that the parties moved (orally) to continue the arraignment and detention hearing to 5/14/04 and exclude the time, this Court hereby ALLOWS the motions and continues the matter to 5/14/04 at 10:15 AM. (Brown, Rex) (Entered: 05/06/2004)
05/06/2004	●4	Judge Joyce London Alexander : ORDER entered ORDER ON EXCLUDABLE DELAY as to Rafael Rodriguez Time excluded from 5/4/04 until 5/14/04. (Brown, Rex) (Entered: 05/06/2004)
05/10/2004	●5	Arrest Warrant Returned Executed on 4/29/04 as to Rafael Rodriguez. (Bell, Marie) (Entered: 05/11/2004)
05/14/2004	●6	EXHIBIT/WITNESS LIST as to Rafael Rodriguez (Brown, Rex) (Entered: 05/17/2004)
05/14/2004	●	Electronic Clerk's Notes for proceedings held before Judge Joyce London Alexander :Arraignment as to Rafael Rodriguez (1) Count 1 held on 5/14/2004. The government states the maximum penalty. The Court advises the defendant of his rights and states the charges. The defendant pleads not guilty. The Court provides the defendant with an automatic disclosure notice. Detention Hearing as to Rafael Rodriguez held on 5/14/2004. The government and defense present

		evidence. The government and defense rest. The government and defense present oral argument. The Court ORDERS the defendant DETAINED pursuant to 18 U.S.C. 3142 (e) and remands the defendant to the custody of the Marshal.(Tape #Digital Recording.) (Brown, Rex) (Entered: 05/17/2004)
05/14/2004	●	Judge Joyce London Alexander : ORDER entered ORAL ORDER as to Rafael Rodriguez. Whereas an Arraignment and Detention Hearing have been held and whereas all pre-trial matters referred to this Court by the District Judge have been resolved, the case is hereby returned to the District Judge.(Brown, Rex) (Entered: 05/17/2004)
05/17/2004	●7	Judge Joyce London Alexander : ORDER entered ORDER OF DETENTION as to Rafael Rodriguez (Brown, Rex) (Entered: 05/19/2004)
05/21/2004	●8	Judge William G. Young : ORDER entered SCHEDULING ORDER as to Rafael Rodriguez Pretrial Conference set for 6/30/2004 02:00 PM before Chief Judge William G. Young. cc/cl(Smith, Bonnie) (Entered: 05/21/2004)
06/24/2004	●9	JOINT STATUS REPORT by USA, Rafael Rodriguez as to Rafael Rodriguez (Smith, Bonnie) (Entered: 06/30/2004)
06/30/2004	●	Electronic Clerk's Notes for proceedings held before Judge William G. Young :Scheduling Conference as to Rafael Rodriguez held on 6/30/2004 Further Pretrial Conference set for 9/21/2004 02:00 PM in Courtroom 18 before Chief Judge William G. Young at which time the defendant may render a change of plea. Jury Trial set for 11/1/2004 09:00 AM in Courtroom 18 before Chief Judge William G. Young. The Court ORDERS the time between 6/30/04 and 11/1/04 EXCLUDED in the interest of justice.(Court Reporter Womack.) (Smith, Bonnie) (Entered: 07/01/2004)

06/30/2004	●	Judge William G. Young : ORDER entered ORDER ON EXCLUDABLE DELAY as to Rafael Rodriguez Time excluded from 6/30/04 until 11/1/04. (Smith, Bonnie) (Entered: 07/01/2004)
09/21/2004	●	ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young :Change of Plea Hearing as to Rafael Rodriguez held on 9/21/2004, Interpreter Haddad Sworn. Deft. Sworn. Court conducts plea colloquy with the defendant. After hearing the CoOur accepts plea of Guilty to Count 1. Procedural Order re: sentencing issued. Sentencing set for 12/21/04 at 2PM. Defendant is remanded to custody. Plea entered by Rafael Rodriguez (1) Guilty Count 1. (Court Reporter WOMACK.) (Smith, Bonnie) (Entered: 09/21/2004)
09/21/2004	● <u>10</u>	Judge William G. Young : ORDER entered PROCEDURAL ORDER re sentencing hearing as to Rafael Rodriguez Sentencing set for 12/21/2004 02:00 PM before Chief Judge William G. Young. (Smith, Bonnie) (Entered: 09/21/2004)
12/13/2004	● <u>11</u>	TRANSCRIPT of Proceedings as to Rafael Rodriguez held on 9/21/04 before Judge YOUNG. Court Reporter: WOMACK. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter or the Clerk's Office. (Smith, Bonnie) (Entered: 12/13/2004)
12/15/2004	● <u>12</u>	SENTENCING MEMORANDUM by USA as to Rafael Rodriguez (Smith, Bonnie) (Entered: 12/15/2004)
12/21/2004	● <u>13</u>	SENTENCING MEMORANDUM by Rafael Rodriguez (Fried, Syrie) (Entered: 12/21/2004)
12/21/2004	●	ELECTRONIC Clerk's Notes for proceedings held before Judge William G. Young :Sentencing held on

		12/21/2004 for Rafael Rodriguez (1), Count(s) 1, The COURT announces the Guideline calculations. After hearing the court imposes the following sentence: The defendant is sentenced to the custody of the BOP for 36 months to be followed by a term of Supervised Release of 2 years with Special Conditions. No Fine. Special Assessment of \$100. The parties are notified of the right to appeal. The defendant is remanded to custody. (Court Reporter WOMACK.) (Smith, Bonnie) (Entered: 12/22/2004)
12/21/2004	●14	MOTION Decrease Offense Level as to Rafael Rodriguez by USA. (Smith, Bonnie) (Entered: 12/22/2004)
12/21/2004	●	Judge William G. Young : ELECTRONIC ORDER entered granting <u>14</u> Motion Decrease Offense Level as to Rafael Rodriguez (1) (Smith, Bonnie) (Entered: 12/22/2004)
12/22/2004	●15	Judge William G. Young : ORDER entered JUDGMENT as to Rafael Rodriguez (1), Count(s) 1, The defendant is sentenced to the custody of the BOP for 36 months to be followed by a term of Supervised Release of 2 years with Special Conditions. No Fine. Special Assessment of \$100. (Smith, Bonnie) (Entered: 12/22/2004)
12/22/2004	●16	Judge William G. Young : ORDER entered STATEMENT OF REASONS as to Rafael Rodriguez (Attachments: # <u>1</u> Blakely page# <u>2</u> transcript) (Smith, Bonnie) (Entered: 12/22/2004)
12/30/2004	●17	NOTICE OF APPEAL by Rafael Rodriguez Filing fee \$ 255. Reason fee is not required: Federal Defender Office NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of

		Appeals. Appeal Record due by 1/19/2005. (Fried, Syrie) (Entered: 12/30/2004)
01/03/2005	•18	TRANSCRIPT of Proceedings as to Rafael Rodriguez held on 12/21/04 before Judge YOUNG. Court Reporter: WOMACK. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter or the Clerk's Office. (Smith, Bonnie) (Entered: 01/03/2005)
01/04/2005	•19	NOTICE OF APPEAL by USA as to Rafael Rodriguez re Order on Motion for Miscellaneous Relief, <u>15</u> Judgment,, <u>16</u> Statement of Reasons Filing fee \$ 255. Reason fee is not required: government NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 1/24/2005. (Sacco, Dena) (Entered: 01/04/2005)